REMARKS

Claims 1-12 are pending in this patent application, and stand rejected. By this Amendment, claim 8 has been amended. This application continues to include claims 1-12.

Claim 9 was rejected under 35 U.S.C. §112, second paragraph, as being directed to the method of claim 8, and wherein claim 8 was characterized as a computer program. The preamble of claim 8 has been amended to recite a "method", and accordingly, sufficient antecedent basis now exists for claim 9. Accordingly, it is respectfully requested that the rejection of claim 9 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 8 and 9 were rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. Claim 8 has been amended to be a "method", and accordingly, is now clearly statutory subject matter. Accordingly, it is respectfully requested that the rejection of claims 8 and 9 under 35 U.S.C. §101 be withdrawn.

Claims 1 and 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Roy, et al. (U.S. Patent No. 6,496,859 B2) in view of White, et al. (U.S. Patent No. 6,301,012 B1).

Each of Applicants' claims is directed to the creation of a network printer port on a computer workstation by transmitting a discovery packet to which a printer of a designated type responds.

Claim 1 recites, in part, "said computer workstation performing the steps of: transmitting a discovery packet to which a first printer of a designated type can respond; receiving a response packet from said first printer, said response packet including printer-specific network information of said first printer; ...." (Emphasis added). However, in Roy, et al.., it is the HTTP server (see Roy, et al. Fig. 2), and not the client 15 (i.e., workstation), that

performs the discovery. As stated in Roy, et al. at column 3, line 40-41 and column 4, lines 3-12, "The HTTP server spawns a device discovery task 10.[ ] The device discovery task 10 uses parsing functions provided by the NEST SNMP library to generate SNMP requests and also to parse the responses from the SNMP Agents 35 [e.g., printers]....These values that are extracted from the NEST internal data structure contain information about the device name, model, and status, hereafter called SNMP information." In addition, referring again to Roy, et al., Fig. 2, the workstation, i.e., client 15, of Roy, et al. does not receive a response packet from the printer 35, but rather, it is the HTTP server that receives the response packet and parses the response (steps 75, 80), puts the parsed SNMP data into a list (step 90), copies the data from the list to an HTML buffer (step 135), and sends the HTML buffer to the HTTP client 15 (step 145). Accordingly, in Roy, et al., the workstation, i.e., client 15, never receives the response packet from the agents, e.g., printers, 35, but rather the workstation 15 of Roy, et al. receives the contents of the HTML buffer.

Further, the Examiner recognizes that Roy, et al. does not disclose "identifying whether a network port exists for said first printer; and if no such network port exists, then creating a first network printer port for said first printer based on said printer-specific network information for said first printer", which in claim 1 is performed by the workstation, but relies on White, et al. in an attempt to overcome the lack of disclosure in this regard in Roy, et al.

However, as indicated in White, et al. Figs. 2 and 3; col. 3, ll. 13-18; and column 4, lines 17-22, it is the printer 30 that initiates the process through which ultimately, a *communication port 175* is *created* *by software 50 residing in print server 20* so that printer 30 may be used by client processor, e.g., workstation, 15 , whereas in contrast, in Applicants'

claim 1 it is the workstation that initiates the process through which ultimately, a network printer port is created by the workstation so that the printer may be used.

Further, in White, et al., as indicated in Figs. 2 and 3, all paths lead to the creation of a communication port 175, and as such, White, et al. does not do so under the condition of "if no such network port exists", as recited in claim 1.

Accordingly, for the reasons set forth above, claim 1 is not rendered obvious by Roy, et al. in view of White, et al.

Claims 6 and 7 depend from claim 1, and are believed patentable in view of their dependence from otherwise allowable claim 1. In addition, claims 6 and 7 are believed patentable in their own right.

For example, claim 7 recites, "The method of claim 1, wherein said discovery packet is a propriety broadcast message *to which only a printer of said designated type on said network will respond.*" (Emphasis added). In rejecting claim 7, the Examiner relies on Roy, et al. column 2, lines 31-43. However, the cited passage states that, "A device implementing this invention responds to an HTTP request for device discovery by spawning a device discovery task that broadcasts a SNMP over UDP based request out on a sub-network for devices to respond. When responses are received they are parsed and the device information such as network address, name, status, version and model is added to a list of discovered devices. Any responses from devices outside a specified class of devices, such as those not of a certain brand, *are disregarded*." (Emphasis added). Thus, in Roy, et al., responses are received from devices, e.g., printers, which are not of the designated type, and those responses which are not from the designated type, e.g., those not of a certain brand, are disregarded.

Thus, in contrast to claim 7, Roy, et al., does not disclose, teach or suggest that the discovery packet, transmitted by the workstation, is a propriety broadcast message *to which only a printer of said designated type on said network will respond*, and White, et al. does not fill this deficiency in Roy, et al. Accordingly, claim 7 is believed patentable in its own right.

Claim 8, as amended, recites, "A method for automatically creating network printer ports on a computer workstation coupled to a network, comprising: transmitting a discovery packet to which a printer of a designated type coupled to said network can respond; receiving a response packet from said printer thereby identifying said printer as being of said designated type, said response packet including printer-specific network information of said printer; identifying whether a network port exists on said computer workstation for said printer; and if no such network port exists, then, creating a first network printer port for said printer based on said printer-specific network information for said printer."

Claim 8 is believed patentable in its present form for substantially the same reasons set forth above with respect to claim 1.

Claim 9 depends from claim 8, and is believed patentable in view of its dependence from otherwise allowable claim 8. In addition, claim 9 further and patentably defines the present invention over the cited references.

Accordingly, in view of the above, Applicants respectfully request that the rejections of claims 1 and 6-9 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Roy, et al. in view of White, et al. and in further view of Brockway, et al. (U.S. Patent No. 6,789,111).

Claims 2-5 depend, directly or indirectly, from claim 1. Claim 1 is believed patentable for the reasons set forth above, since Brockway, et al. does not fill the deficiencies of Roy, et

al. in view of White, et al. with respect to claim 1. Accordingly, claims 2-5 are believed patentable in view of their dependence from otherwise allowable claim 1. In addition, claims 2-5 further and patentably define the present invention over the cited references.

The printer 88 of Brockway, et al. is locally attached to I/O ports of the client computer (client 54 in Fig. 2 and client 92 in Fig. 3), and not to the network. Further, as shown in Fig. 2, the plug 'n' play subsystem resides in client 82 to which printer 88 is locally attached. Accordingly, it would not be obvious to combine Brockway, et al. with Roy, et al., since in Roy, et al. client 15 is not locally attached to the printer, e.g., network devices 35, but rather is coupled to network devices 35 over the network 45. Similarly, the White, et al. printer 55 is not locally attached to client processor 15, but rather, is coupled to printer 55 over network 10. None of Roy, et al., White, et al. or Brockway, et al. discloses, teaches or suggests how Roy, et al. or White, et al. could be modified to include the plug 'n' play aspects of Brockway, et al. to apply to a configuration where the printer is not locally attached to the client computer, as in Roy, et al. and White, et al. Accordingly, it would not be obvious to one skilled in the art to combine the teachings of Roy, et al., White, et al. and Brockway, et al. Accordingly, it is respectfully requested that the rejection of claims 2-5 under 35 U.S.C. § 103(a) be withdrawn.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockway, et al. in view of Roy, et al. and in further view of White, et al.

Claim 10 recites, in part, "upon initialization of said port monitor [at the workstation], said port monitor sending a proprietary broadcast message to which each printer of a designated type on said network can respond, said each printer of said designated type responding to said *proprietary broadcast message* with a unique data packet including printer-

specific network information; said port monitor [at the workstation] receiving said printer-specific network information; and for each identified printer of said designated type for which no port exists, said port monitor invoking said Add Port mechanism of said Windows print spooler...", which the Examiner concedes is not disclosed in Brockway, et al., and in turn, relies on Roy, et al and White, et al.

However, in Roy, et al.., it is the HTTP server (see Roy, et al. Fig. 2), and not the client 15 (i.e., workstation), that performs the discovery. Further, the HTTP server sends UDP (User Datagram Protocol) broadcast packets (Roy, et al, column 3, lines 60-62), rather than a proprietary broadcast message, as recited in claim 10. In addition, as indicated in White, et al. Figs. 2 and 3; col. 3, ll. 13-18; column 4, lines 17-22, it is the printer 30 that initiates the process through which ultimately, a *communication port 175* is *created* by *software 50 residing in print server 20* so that printer 30 may be used by client processor, e.g., workstation, 15, whereas in contrast, in Applicants' claim 10 it is the workstation that initiates the process through which ultimately, a network printer port is created by the workstation so that the printer may be used. Further, in White, et al., as indicated in Figs. 2 and 3, all paths lead to the creation of a communication port 175, and as such, White, et al. does not do so under the condition of if "no port exists", as recited in claim 10. As to the above, Brockway, et al. does not fill the deficiencies of the disclosure of Roy, et al. and White, et al. with respect to claim 10. Accordingly, claim 10 is believed patentable in its present form.

As to claims 11 and 12, the Office Action does not contain explicit indication of the statutory grounds for their rejection. Clarification is respectfully requested. Notwithstanding, claims 11 and 12 are believed allowable in view of their dependence from claim 10, and further patentably define Applicants' invention over the cited references.

For the foregoing reasons, Applicants believe that the present application is in condition for allowance in its present form, and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 9, 2005.

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August 9, 2005
Date